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SUSAN WILLIAMS SCANN, ESQ.
Nevada Bar No. 000776
DEANER, DEANER, SCANN,
MALAN & LARSEN
720 South Fourth Street, Suite #300
Las Vegas, Nevada 89101
(702) 382-6911
Attorneys for Binford Medical Developers, LLC

UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA

In re:)
 USA COMMERCIAL MORTGAGE)
 COMPANY,)

Debtor

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:)
 USA CAPITAL REALTY ADVISORS, LLC.)

Debtor

Chapter 11
 Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:)
 USA CAPITAL DIVERSIFIED TRUST)
 DEED FUND, LLC.)

Debtor

Adversary No. 06-01212

In re:)
 USA CAPITAL FIRST TRUST)
 DEED FUND, LLC.)

Debtor

Date of Hearing: 12/28/2010
 Time of Hearing: 9:30 a.m.

In re:)
 USA SECURITIES, LLC.)

Debtor

Affects:
☐ USA Commercial Mortgage Company
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC
☐ USA Realty Advisors, LLC
☒ All Debtors

BINFORD MEDICAL DEVELOPERS,
LLC, an Indiana Limited Liability
Company,

Plaintiff,

vs.

USA COMMERCIAL MORTGAGE)
 COMPANY and FIDELITY NATIONAL)
 TITLE GROUP)

Defendants

MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL

SUSAN WILLIAMS SCANN, ESQ. of the law firm of DEANER, DEANER, SCANN,
 MALAN & LARSEN, counsel of record for Plaintiff, BINFORD MEDICAL DEVELOPERS, hereby
 moves for leave to withdraw as counsel for BINFORD MEDICAL DEVELOPERS. This Motion is

1 based on the Affidavit of SUSAN WILLIAMS SCANN and the Points and Authorities attached
2 hereto, together with pleadings and papers on file herein.

3 **POINTS AND AUTHORITIES**

4 Bankruptcy Rule 9013 provides in pertinent part:

5 A request for an order, except when an application is authorized by
6 these rules, shall be by written motion, unless made during a hearing.
The motion shall state with particularity the grounds therefore, and
shall set forth the relief or order sought . . .

7 The Nev. S.Ct. Rule 46 allows an attorney to withdraw upon application to the Court.

8 Rule No. IA10-6 of the Local Rules of Practice of the United States District Court for the
9 District of Nevada provides as follows:

10 (b) No attorney may withdraw after appearing in any case except
11 by leave of court after notice served on the affected client and
opposing counsel.


12 An attorney may withdraw from a case with the consent of his client or for justifiable cause
13 upon leave of court. 7 CJS Attorney and Client, §110. Such justifiable cause is set forth in the
14 Affidavit of SUSAN WILLIAMS SCANN set forth hereunder.

15 Notice of this Motion has been given to Defendants and opposing counsel.

16 Dated: 11/23/10.

17 Respectfully submitted,

18 DEANER, DEANER, SCANN,
19 MALAN & LARSEN

20 By: 
21 SUSAN WILLIAMS SCANN, ESQ.
22 Nevada Bar No. 000776
23 720 South Fourth Street
Suite 300
24 Las Vegas, Nevada 89101
Attorney for Claimant
25 **BINFORD MEDICAL DEVELOPERS**

AFFIDAVIT OF SUSAN WILLIAMS SCANN

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

SUSAN WILLIAMS SCANN, ESQ., being first duly sworn, deposes and says:

1. I am an attorney with the law firm of DEANER, DEANER, SCANN, MALAN & LARSEN and licensed to practice in the State of Nevada.


2. I am the attorney representing BINFORD MEDICAL DEVELOPERS, in the above action.

3. I was elected as District Court Judge on November 2, 2010, and I am also preparing to take the bench. As such, I can no longer represent clients in any court related matters. Accordingly, DEANER, DEANER, SCANN, MALAN & LARSEN requests permission to withdraw as counsel for BINFORD MEDICAL DEVELOPERS, on this case.

4. The Claimant may be served with notice of further proceedings at the following last known address:

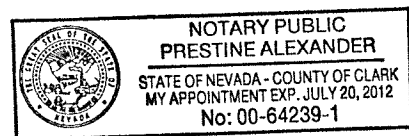
Binford Medical Developers, LLC
Mr. Ken Schmidt, Managing Member
5200 E. 64th Street
Indianapolis, IN 46220

DATED this 23rd day of November, 2010.


SUSAN WILLIAMS SCANN

SUBSCRIBED AND SWORN to before me
on this 23rd day of November, 2010.


NOTARY PUBLIC in and for this
County and State



CERTIFICATE OF SERVICE

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3 1. On November 23, 2010, the following Motion for Leave to Withdraw as Counsel was
4 served.

5 2. The above-named document was served by the following means to the persons listed
6 below:

- 7 ☒ a. ECF System. See Notice of Electronic Filing.
8 ☐ b. United States mail, postage full prepaid to the following:
9 ☐ c. Personal Service.
10 ☒ d. By direct email.

11 I caused the documents to be sent to the persons at the email addresses listed
12 below. I did not receive, within a reasonable time after transmission, any
electronic message or other indication that the transmission was unsuccessful.

13 Imzei@EGPS.com
14 ron@compass-partners.net

- 15 ☐ e. By fax transmission.

16 Based upon the written agreement of the parties to accept service by fax
17 transmission or a court order, I faxed the documents to the persons at the fax
numbers listed below. No error was reported by the fax machine that I used.
A copy of the record of the fax transmission is attached.

- 18 ☐ f. By messenger.

19 I served the documents by placing in an envelope or package addressed to the
20 persons at the addresses listed below and providing them to a messenger for
service.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 DATED this 24th day of November, 2010.

23
24 
25 Employee of DEANER, DEANER, SCANN,
26 MALAN & LARSEN
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